

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN CACOULIDIS and PHYLLIS
CACOULIDIS, as Trustees of GRAND
METRO BUILDERS OF NY CORP.
DEFINED BENEFIT PLAN, on Behalf of
Themselves and all Others Similarly Situated,
and Derivatively on behalf of BEACON
ASSOCIATES LLC I,

Plaintiffs,

v.

BEACON ASSOCIATES MANAGEMENT,
CORP.; JOEL DANZIGER, ESQ.; HARRIS
MARKHOFF, ESQ.; IVY ASSET
MANAGEMENT CORP.; THE BANK OF
NEW YORK MELLON CORPORATION;
FRIEDBERG SMITH & CO. P.C.; and JOHN
DOES 1-100,

Defendants,
and

BEACON ASSOCIATES LLC I,

Nominal Defendant.

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3-12-09

09 Civ. 00777 (LMB)

CLASS ACTION

STIPULATION & ORDER

WHEREAS, on January 27, 2009, Plaintiffs, through their counsel, filed a class action
and derivative complaint (the "Complaint") against the defendants in the above-referenced action
(collectively, "Defendants"); and

WHEREAS, the Complaint alleges, among other claims, violations of the federal
securities laws; and

WHEREAS, on February 2, 2009, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), counsel for Plaintiffs published a notice to purported members of the class advising them of the pendency of this action and their right to move this Court to serve as Lead Plaintiffs not later than 60 days after publication of the notice, or by April 3, 2009, 15 U.S.C. § 78u-4(a)(3); and

WHEREAS, after being appointed, Lead Plaintiffs may amend the Complaint.

NOW, THEREFORE, the Parties hereby STIPULATE AND AGREE as follows:

1. Lead Plaintiffs may file and serve an Amended Complaint 60 days from the entry of the Court's Order appointing Lead Plaintiffs.
2. The time for Defendants to answer, move or otherwise respond to the Complaint is extended to 60 days after Lead Plaintiffs file their Amended Complaint or, if no Amended Complaint is filed, 60 days after Lead Plaintiffs advise Defendants that they do not intend to file an Amended Complaint.
3. Lead Plaintiffs shall file and serve their opposition to Defendants' motion(s) to dismiss, if any, no later than 60 days after service of such motion(s).
4. Defendants shall file and serve replies in further support of any motion(s) to dismiss no later than 30 days after service of any opposition by Lead Plaintiffs.

5. This Stipulation and Order is without prejudice to, or waiver of, any rights, arguments or defenses otherwise available to the parties to this action, including any defense based on lack of personal jurisdiction.

Dated: March 5, 2009

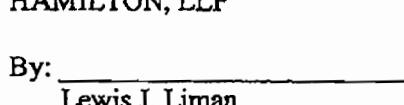
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Attorneys for Plaintiffs

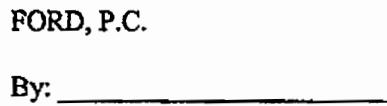
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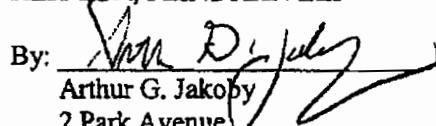
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*Attorneys for Nominal Defendant Beacon
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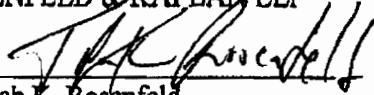
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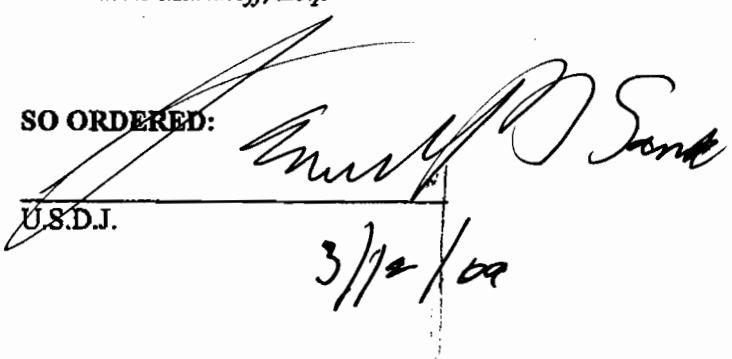
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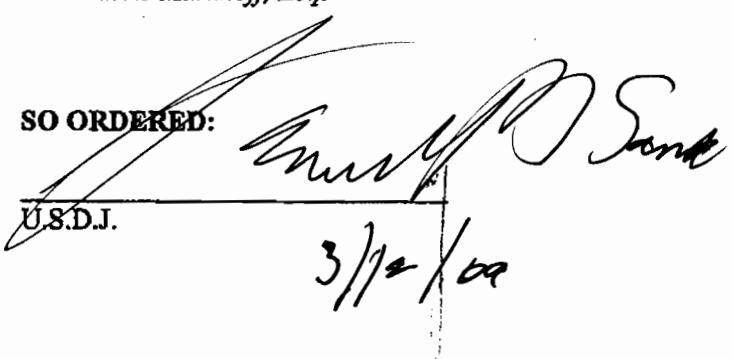
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*Attorneys for Defendants Beacon Associates
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SO ORDERED:


U.S.D.J.


3/12/09